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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,612	07/09/2000	Peter Kouropoulos	PK-1	8342
7590	11/16/2004		EXAMINER	
Michael I Kroll 171 Stillwell Lane Syosset, NY 11791			COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/612,612	KOUROPOULOS, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carl Colin	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 October 2004 .

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 July 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Response to Arguments***

1. In response to communications filed on 10/04/2004, applicant cancels claims 10 and 14, amends claims 1-9, 11-13, and adds claims 15-19. The following claims 1-9 and 11-13 and 15-19 are presented for examination.
  
2. The amendments to the specification and to the abstract, filed on 10/04/2004 have been considered and the objection has been withdrawn.  
  
2.1 Applicant's remarks, pages 9-12, filed on 10/04/2004, with respect to the objection of the abstract and the drawings have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1 **Claims 1-9, 12, 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,151,649 to **Liong et al** in view of US Patent 6,622,250 to **Castillo et al**.

3.2 **As per claim 1, Liong et al** discloses a protection device for disconnecting a computer system from a communications channel during power down periods, said device comprising: means for sensing a power drawn by the computer system, for example (see abstract); a housing having an input port for connecting to a communications channel and an output in said housing for connecting said input port to a communications channel input of the computer system, for example (see column 3, line 55 through column 4, line 35); a relay connected between said input port and output port for selectively disconnecting said input port and output port automatically upon said sensing means sensing the power drawn is below a threshold value indicating the computer system is in a powered down or sleep state, for example (see column 3, line 55 through column 4, line 35). **Liong et al** discloses that the invention is not limited into detecting the power down of disk drives but any other computer device at the node (see column 1) and further that the invention is not limited to SCSI buses (see column 10, lines 59-67). It is obvious to one skilled in the art that the invention disclosed by **Liong et al** can sense the power down of a monitor without departing from the spirit and scope of the invention. **Castillo et al** in an analogous art teaches isolating devices or components during low-power mode, for example (see column 2, lines 45-50; wherein the components include any devices such as monitors, network adapter, expansion cards etc., for example (see column 3, lines 21-65) in order to control all computer devices. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply the invention of **Liong et al** using any port or connector including monitor, DSL, telephone line. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Castillo et al** so as to control all computer devices.

**Claims 2-7** recite the same inventive concept except for using different devices as discussed in claim 1 and using plurality of relays. Both references discloses using relay corresponding to each input output port, (see for example Liong column 7, line 40-45). Therefore, they are rejected on the same rationale as the rejection of claim 1.

**As per claims 8-9**, **Liong et al** discloses the limitation of these claims in prior art and provides improvement in being able to isolate nodes selectively without powering down the entire system, for example (see column 4, lines 1-9). **Liong et al** discloses the use of manual switch although it is preferable to use automatic switch, for example (see column 8, lines 1-17). It is also well known in the art power protection device that uses an AC power switch for turning off all power to the protection device and the computer.

**As per claim 12**, **Castillo et al** discloses the limitation of wherein said device is connected to a power source and includes a power outlet for connection with a supplying power to the computer system, said means for sensing the amount of power used by the computer system, for example (see column 3, lines 8-20). Therefore, claim 12 is rejected on the same rationale as the rejection of claim 1.

4. **Claims 11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,151,649 to **Liong et al** in view of US Patent 6,622,250 to **Castillo et al** as applied to claims 1-10 and further in view of US Patent 5,721,934 to **Scheurich**.

4.1 **As per claim 11**, both references substantially teach a protection device wherein said means for sensing triggers a relay to connect said input and output port. Neither of the references explicitly teaches means for connecting during a predetermined period during a day. However, **Scheurich** in an analogous art teaches power down and power up during a predetermined time of day (see column 10, lines 25-46) and also teaches using a timing circuit and power-up and the means of allowing a user to contact the computer system through the communications channel during the predetermined time of day (see column 2, lines 35-44 and column 9, lines 28-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protection device as combined above to connect said input and output port during a predetermined period during a day thereby allowing a user to contact the computer system through the communications channel during the predetermined time of day as taught by **Scheurich** to provide automatic restoration when needed for the computer system. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Scheurich** so as to provide automatic restoration when needed for the computer system.

As per claim 13, claim 13 recites the same limitation as claim 12 and therefore is rejected on the same rationale as the rejection of claim 12.

5. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,151,649 to **Liong et al** in view of US Patent 6,622,250 to **Castillo et al** and in view of US Patent 5,721,934 to **Scheurich**.

5.1 **Claim 15** recites the same limitation as claims 1 and 11 except for including a light glowing when the device is in the on mode, which is very well known and is also included in **Scheurich**'s protection device. Therefore, it would have been obvious to one skilled in the art to include an indicator light that turns on when the device is on for the advantage of knowing when the device is changing state as taught by **Scheurich**. Claim 15 is also rejected on the same rationale as discussed above in the rejection of claims 1 and 11.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses timing of devices to restore power and power down with sensor.

US Patents:	5,113,294	Kim	6,437,951	Ahlstrom et al.
	6,657,534	Beer et al.	5,329,178	Burton

6.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cc  
Carl Colin

Patent Examiner

November 10, 2004

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100